

## **BILL ANALYSIS**

H.B. 2777  
By: Holland  
Culture, Recreation & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Texas procurement laws require purchases of goods and services to be accomplished through competitive bidding and there are limited exceptions to purchase goods and services through alternative means. These include contract purchases and multiple award contracts established by the comptroller of public accounts. Several state agencies already have delegated authority to carry out more efficient and cost-saving procurement processes. However, there is no statutory guidance or exception in place if a governmental entity issues a solicitation for bids and does not receive any responses. The only option for such an entity is to resolicit until an award can be made. The solicitation process is lengthy and requires involvement from various personnel and stakeholders, and when a solicitation cannot be awarded due to lack of interest from the public, staff and resources must continue to support the procurement until a contract is awarded. The Parks and Wildlife Department's (TPWD) needs are often unique and obtaining goods and services via competitive bidding is challenging at times. Qualified vendors may exist but are often unaware of bidding opportunities or lack the ability and interest to complete the rigorous documentation required for bidding. H.B. 2777 seeks to address these issues by authorizing TPWD to directly contract with a qualified vendor if bids are not received in response to a competitive solicitation for goods and services. This will help ensure that TPWD can complete projects in a timely manner, providing TPWD employees the tools and services needed to better serve constituents. The legislation will also increase the ability to encumber funds and produce deliverables within established deadlines while avoiding loss of funding. H.B. 2777 allows TPWD to use all available resources to ensure that a best value award can be made which could potentially lower bids to the state and thereby lower project and goods and services costs.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2777 amends the Parks and Wildlife Code to authorize the executive director of the Parks and Wildlife Department or the director's designee, if they do not receive any responsive bids on a competitive solicitation for goods or services and if they make a written determination that competition is not available, to negotiate with and award the contract to any qualified vendor who meets the requirements of the original solicitation. The bill applies only to a contract for which bids are first solicited on or after the bill's effective date.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.